

REMARKS

This Request for Reconsideration is in response to the Office Action of May 20, 2009 in which claims 1-22 were rejected.

The Examiner has withdrawn the previous rejection in response to applicants' request for reconsideration filed April 16, 2009. However, the Examiner has again returned to rejecting claims 1-22 based on the same two references as rejected in the Office Action of July 31, 2008 and similar to the rejection in section 3 of the Detailed Action of September 25, 2007.

In all of the actions, the Examiner admits that *Bridgelall* does not teach controlling the at least one mixer to operate in both of the two modes, wherein the at least one mixer is useable for the transceiver operating as the RF tag reader or the Bluetooth transceiver. The Examiner points to *Gunnarsson* for teaching controlling the at least one mixer to operate in both of the two modes, pointing to mixer 27 of Fig. 2 and page 5, lines 22-26 (RFID) as well as page 6, lines 4-7 (BT) wherein the mixer is useable for said transceiver operating as said RF tag reader or said Bluetooth transceiver (referring again to page 6, lines 4-7 noting that the same mixer 27 is integrated into the Bluetooth unit meaning that the same mixer is used for both Bluetooth and RFID functions).

Page 6, lines 4-7 of the *Gunnarsson* reference reads as follows:

In one preferred embodiment of the invention, the mixer 27 is included in the standard circuits of the Bluetooth radio 24 as an integrated unit, and the portable communications unit is adapted to read identification devices that deliver a backscatter signal according to the Bluetooth standard.

The Examiner's rationale seems to be that as the mixer 27 is an integrated part of the Bluetooth radio unit, this would lead to conclusion that the same mixer 27 is used in both of the "communication modes." This conclusion, however does not have any basis as the mixer 27 is used only when RFID operation mode is used according to the teachings of the *Gunnarsson* reference.

Further, especially when considering e.g. pending claim 1, there cannot be found any disclosure or suggestion for rejecting the highlighted portion of the claim:

1. A dual mode transceiver, comprising:
a mixer; and
a controller configured to adapt the transceiver to operate in two modes operating either as a radio frequency tag reader or as a Bluetooth transceiver by changing reception and transmission capabilities of the transceiver, wherein the controller is configured to control the mixer to operate in both of the two modes, wherein the mixer is useable for said transceiver operating as said radio frequency tag reader or as said Bluetooth transceiver.

So, there cannot be found any teaching or suggestion in any combination of the reference documents where a controller is configured to control the mixer to operate in both operation modes of the dual mode transceiver.

As pointed out previously in response to earlier actions, the text pointed to by the Examiner in *Gunnarsson* does not state that the mixer is adapt to operate in both of the two modes. Rather, in lines 26-30 on page 5, *Gunnarsson* teaches that since the Bluetooth radio 24 of Fig. 2 already has the processor 10, oscillator 4, antenna 5 and antenna 6 of the RFID read unit 1 of Fig. 1, the functions of these units 10, 4, 5 and 6 in Fig. 1 can be used with the added RFID mixer 27 for the RFID function, i.e., in place of Bluetooth mixer that would be in the further radio part 24 of the mobile phone in Fig. 2. So what *Gunnarsson* teaches is to have the Bluetooth radio part 24 use its own mixer for Bluetooth radio functions and to substitute the mixer 27 in its place for RFID functions. Therefore, the mixers are not adapted to operate in both of the two modes. Rather, it is necessary according to *Gunnarsson* to add a mixer 27 so that the mixer 27 is used for the RFID function and another mixer in the Bluetooth radio part 24 is used in the Bluetooth function. There is no hint or suggestion that the processor 10 in Fig. 1 of *Gunnarsson* should be configured to adapt the transceiver to operate in two modes and to control the at least one mixer to operate in both of the two modes wherein the at least one mixer

is useable for the transceiver operating as the RF tag reader or as the Bluetooth transceiver.

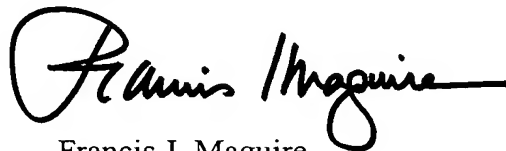
Therefore, if the subject matter taught by *Gunnarsson* were combined with the subject matter of *Bridgelall*, the subject matter claimed in claim 1 would not read on the combined subject matter of these two references. Therefore, a *prima facie* case of obviousness has not been made.

The same comments made above with respect to claim 1 apply equally to the other independent claims 5, 10, 11 and 14.

Withdrawal of the obviousness rejection is requested.

The objections and rejections of the Office Action of May 20, 2009, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1-22 to issue is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francis J. Maguire", with a stylized, flowing script.

Francis J. Maguire
Attorney for the Applicant
Registration No. 31,391

FJM/mo
WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, P.O. Box 224
Monroe, Connecticut 06468
(203) 261-1234